IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.2267 OF 2005

Ghanashyam R. Kulmethe. ...Petitioner.
Vs.
The Welfare Commissioner,
Maharashtra Labour Welfare Board & Ors. ...Respondents.
....
Mrs. S. J. Gore for the Petitioner.
Mr. C. J. Sawant with Mr. V. C. Ghosalkar for Respondent No.1.
Mr. C. R. Sonawane, AGP for Respondent No.3.
.....

CORAM : A.P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.

June 20, 2005.

P.C.:

Rule, by consent returnable forthwith. Counsel appearing on behalf of the Respondents waive service. By consent and at their request taken up for hearing and final disposal.

The Petitioner was initially appointed by the Maharashtra Labour Welfare Board as an Assistant Welfare Organizer on 26th May 1997. On 8th January 2001, the Petitioner was promoted to the post of Workers' Welfare Officer and was selected thereafter for the higher post of Assistant Welfare Commissioner on 31st December 2003. The Petitioner was served with an order of

reversion dated 14th March 2005 by which he was informed that administrative irregularities were found to have been committed while promoting him from the post of Workers' Welfare Officer to the post of Assistant Welfare Commissioner under the backlog of reservation for Backward Classes. The Petitioner was accordingly informed that he was being reverted.

The grievance of the Petitioner is that the impugned order has been passed in complete violation of the principles of natural justice as neither was a notice to show cause issued to him, nor was he furnished an opportunity of being heard. We find a considerable degree of merit in this submission. The order of reversion does have serious civil consequences and the principles of natural justice must, therefore, be complied with before it is passed. Counsel appearing on behalf of the First Respondent submits that there was a manifest irregularity in the promotion granted to the Petitioner, since he was promoted to a post which was two categories higher in the hierarchy. However, Counsel appearing on behalf of the First Respondent fairly stated before the Court that it was necessary that an opportunity of being heard be granted to the Petitioner before reverting him to the lower post. At

the present point of time, it is common ground, before the Court that three employees who were reverted have assumed charge of the lower post though we are informed that the Petitioner has done so without prejudice to his rights and contentions. In these circumstances, we are of the view that that appropriate order that should be passed is to quash and set aside the order of reversion dated 14th March 2005 (Exhibit 'A'). However, this shall not preclude the First Respondent from taking necessary steps in accordance with law after furnishing to the Petitioner a notice to show cause and an opportunity of being heard. In the event that the First Respondent or an officer duly authorised by him comes to the conclusion that the promotion which was granted to the Petitioner was valid and proper, the Petitioner would be entitled to all consequential benefits as would flow from such determination. The First Respondent shall pass a reasoned order and shall endeavour to do so within a period of two months after furnishing to the Petitioner a reasonable opportunity of being heard. The petition shall accordingly stand disposed of in these terms. There shall be no order as to costs.

.....